



Custodial Sentences and Weapons (Scotland) Act 2007

2007 asp 17

PART 2

CONFINEMENT AND RELEASE OF PRISONERS

CHAPTER 2

CONFINEMENT, REVIEW AND RELEASE OF PRISONERS

Custody and community prisoners

14 Determination that section 10(2) applicable: consequences

- (1) This section applies where the Parole Board determines under section 12(2) or 17(3) that section 10(2) applies in respect of a prisoner.
- (2) The Parole Board must give the prisoner reasons in writing for its determination.
- (3) If on the day of the determination less than 4 months of the prisoner's sentence remain to be served before the three-quarter point—
 - (a) the prisoner must be confined until the three-quarter point, and
 - (b) the Parole Board must specify conditions to be included in the prisoner's community licence.
- (4) If on the day of the determination at least 4 months but no more than 2 years of the prisoner's sentence remain to be served before the three-quarter point, the Parole Board may fix a date falling within the period mentioned in subsection (5) on which it will next consider the prisoner's case.
- (5) That period is the period—
 - (a) beginning with the day falling 4 months after the day of the determination, and
 - (b) ending with the three-quarter point.
- (6) If no date is fixed under subsection (4)—

Status: This is the original version (as it was originally enacted).

- (a) the prisoner must be confined until the three-quarter point, and
 - (b) the Parole Board must fix a date falling within the period mentioned in subsection (5) on which it must specify conditions to be included in the prisoner's community licence.
- (7) If on the day of the determination more than 2 years of the prisoner's sentence remain to be served before the three-quarter point, the Parole Board must fix a date falling within the period mentioned in subsection (8) on which it will next consider the prisoner's case.
- (8) That period is the period—
- (a) beginning with the day falling 4 months after the day of the determination, and
 - (b) ending immediately before the second anniversary of the day of the determination.
- (9) In this section, “three-quarter point”, in relation to a prisoner's custody and community sentence, means the day on which the prisoner will have served three-quarters of the prisoner's sentence.
- (10) This section is subject to section 26.